

### REMARKS

A three-month Request for Extension of Time is being concurrently filed with this Amendment with the appropriate fee.

Reconsideration of the rejection of claims 17-20, 36, 40-43, 66-69, 85, 89-92, and 99-147 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, is respectfully requested.

Response to the numerous questions raised by the Examiner appear to be adequately defined by the detailed technological specification, when taken as a whole, and Applicant is at a loss to comprehend the Examiner's general comments regarding lack of enablement and/or adequate disclosure. In this regard, it is respectfully requested, particularly in light of the large number of claims and the nature of the generalized inquiries and criticisms by the Examiner, that the Examiner expand in greater detail upon his description of the alleged defects so that Applicant can make a more meaningful response in writing and/or by oral interview.

The rejection of claims 17-20, 26, 36, 40-43, 66-69, 75, 85, 89-92, and 99-147 under 35 U.S.C. 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention is similarly traversed for the same reasons set forth above regarding the 35 U.S.C. 112, first paragraph, rejection. Again, if the Examiner feels that an interview would be beneficial to resolve these issues by direct oral interview, please advise the Applicant accordingly.

Reconsideration of the rejections of claims 1-6, 11, 27, 47-55, 60, 76, 96-104, 109, 125, and 145-147 under 25 U.S.C. 102(b) as being anticipated by Von Kohorn (U.S. Patent No. 5,034,087); claims 1, 7, 12, 13, 46, 50, 56, 61, 62, 95, 99, 105, 110, 111 and 144 under 35 U.S.C. 102(e) as being anticipated by Gropper (U.S. Patent No. 6,883,000); claims 1, 12, 14-18, 33-43, 50, 61, 63-67, and 82-92 under U.S.C. 102(b) as being anticipated by Halladay (U.S. Patent No. 4,850,618); claims 1, 12, 16, 19, 50, 61, 65 and 68 under 35 U.S.C. 102(b) as being anticipated by D'Amato (U.S. Patent No. 3,900,219); claims 1, 12, 16, 20, 21, 50, 61, 65, 69 and 70 under 35 U.S.C. 102(b) as being anticipated by Shneifer (U.S. Patent No. 5,580,054); claims 1, 22-26, 50 and 71-75 under 35 U.S.C. 102(b) as being anticipated by Voltmann (U.S. Design Patent No. 264,810); claims 1, 28-30, 50, 77-79, 99, and 126-128 35 U.S.C. 102(e) as being anticipated by Bernard (U.S. Patent No. 6,293,868); claims 1, 33, 44, 45, 50, 82, 93, 94, 142, and 143 under 35 U.S.C. 102(b) as being anticipated by deBruin (U.S. Patent No. 4,724,166); claims 99, 110, 112-116, and 131-141 under 35 U.S.C. 102 (e) as being anticipated by Auxier (U.S. Patent No. 6,379,251); claims 8-10, 57-59, and 106-108 under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (U.S. Patent No. 5,034,807); claims 31, 80 and 129 under 35 U.S.C. 103(a) as being unpatentable over Bernard (U.S. Patent No. 6,293,8680); claims 32 and 81 under 35 U.S.C. 103(a) as being unpatentable over Shneifer (U.S. Patent No. 5,580,054); claim 117 under 35 U.S.C. 103(a) as being unpatentable over D'Amato (U.S. Patent No. 3,900,219) in view of Auxier (U.S. Patent No. 6,379,251); claims 118, 119, and 130 under 35 U.S.C. 103(a) as being unpatentable over Shneifer (U.S. Patent No. 5,580,054) in view of Auxier (U.S. Patent No. 6,379,251);

and claims 120-124 under 35 U.S.C. 103(a) as being unpatentable over Voltmann (U.S. Design Patent No. 264,810) in view of Karpf (U.S. Pub. No. 2005/0165626), is also respectfully requested.

As pointed out, for example, in the Summary of the Invention, on pages 7-17 of Applicant's specification, and further defined by numerous examples in the remainder of the specification and claims, embodiments of the present invention are directed to a method and apparatus for verifying review and comprehension of information. In one embodiment of the present invention, a verification system is used to verify that an information consumer attentively reviews provided information. In one embodiment, an incentive to review and comprehend information is provided for an information consumer. The incentive can be any of a number of things desired by the information consumer. For example, the incentive could be reduced cost of a product or service. However, the review must be verified for the incentive to be given.

In one embodiment, review verification is accomplished by introducing a series of signifiers into the provided information. A signifier may be anything perceivable by an information consumer. For example, signifiers may be visual cues, such as words, letters, numbers, shapes, drawings or photographs. Signifiers may be a recognizable process or alteration to a sound or image, such as tints, blurs, echoes, flanging, and chorusing. For example, a user may be instructed before reviewing the information to record the order of the color of particular shapes. Signifiers may also be audibly perceivable items, such as words, tones, or other sounds.

In one embodiment, the information consumer is provided with instructions for indicating, directly or indirectly, the consumer's knowledge of the signifiers. For example, the information may contain the following sentence:

This sentence contains the signifier word 'angry', please copy down the letter at the end of this word.

This kind of signifier (in this case 'y') would be very hard to detect without careful review of the information provided. In another embodiment, the user gives an indication of knowledge of the signifiers, and a determination is made from the indication whether the consumer is granted the incentive.

In one embodiment, the user must indicate knowledge of a certain number of indicators to receive the incentive. In another embodiment, a formula is applied to the indications of the information consumer to determine whether the consumer receives the incentive. In one embodiment, different levels of incentives are provided to the information consumer dependent upon the indications provided by the consumer.

In one embodiment, a computer system is provided for recording a sequence of signifiers that has been caused to be included within provided information, for receiving an indication of knowledge of the signifiers, for comparing the indication with a predetermined indication level, and for providing an output indicating whether or not the received indication demonstrates an entitlement to something of value. The output may be furnished as an audible or visible indication to the information consumer, as well as being stored in a memory location in a suitably designed database.

In one embodiment, a code may be provided (on a card, on software, or otherwise) which converts signifiers to other types of information. In one embodiment, a peel-off or scratch off is used. For example, in one embodiment, a sequence of colors is included within a video program and marked on a card. In one embodiment, the card includes a key for converting the colors to numbers in some manner. In one embodiment, the numbers provide a telephone number for the user to call to claim the incentive reward. In another embodiment, the signifiers are the item of value, or incentive. In one embodiment, the signifiers provide a desired item of information.

In different embodiments of the invention, indicators may be made by any method by which the user communicates comprehension of the information. In one embodiment, an indication is made by placing a telephone call. In another embodiment, an indication is made by connection to a website. In yet another embodiment, an indication is made by electronic mail. In still another embodiment, an indication is made by postal mailing, faxing or otherwise transmitting a written response. Other embodiments use other methods of indicating comprehension of the information.

In one embodiment, signifiers are distributed throughout multiple sets of information. The sets of information may be of different types. For example, the signifiers necessary for sufficient indication of comprehension are divided among a radio ad, a television ad, a newspaper ad and an internet website.

In one embodiment, a no-cost or low-cost incentive item is furnished to the information consumer in a locked manner, such as a password protected, in electronic

format on a storage medium. The item may be an audio or visual program, such as a motion picture, or a computer program. The storage medium may be a DVD or CD-ROM. In another embodiment, the information consumer accesses an item without a storage medium, (e.g., through remote access via interactive television, a computer network or the Internet).

The password or other required key to access of the item is only obtained by reviewing a training or advertising program provided to the information consumer. The information consumer must attentively review the entire program before the incentive item is 'unlocked' because of the embedded sequence of signifiers.

In one embodiment, the information is in print media form. The signifiers are placed in a normally typeset sentence. Since the signifiers' locations are not known to the information consumer and since the signifiers are typeset like the rest of the information, it is difficult to locate the signifiers without careful review of the information.

In one embodiment, the information is instructional material relating to a product or service. The incentive for reviewing the information is enhanced or lower cost product and technical support for the product or service.

In one embodiment, the signifiers are required to obtain a potentially winning number in a contest or lottery. In one embodiment, the key, used to translate from signifiers to lottery number, is provided in the form of a game card. In one embodiment, the number is directly revealed by the signifiers. In another embodiment, signifiers

inform a consumer of the scratch-off, peel-off, or add-on pattern to be performed to reveal the number.

In one embodiment, an advertiser distributes a card and places a signifier or several signifiers in each of several ads. The information consumer must "mindfully consume" each ad. In one embodiment, the signifiers are placed across a related "package" of ads or other programming by a vendor. In one embodiment, a network places the signifiers across a widely-watched sporting event, and an answer card is placed in the Sunday paper. Thus, the likelihood increases of more consumers attentively reviewing the ads rather than taking bathroom breaks during the event.

Since the network could confirm the amount of viewers who reviewed each ad, the network could either adjust advertising rates for the future or base a portion of the rates on the number of confirmed viewers. In one embodiment, related products like makeup, hair products and fashion items or jogging shoes, sportswear and sporting goods are teamed to complete a signifier-sequence.

In another embodiment, the key to translating signifiers into useful contact information may be obtained only by performing one or more specific actions (e.g., purchasing a product). In one embodiment, that game card having the key is provided after visiting a store or other location in person. In another embodiment, a game card is available only after attending an in-person presentation on a product.

In yet another embodiment, the information consumer is asked to record, by any means, the nature of and the order of the signifiers and call or e-mail the information to a

location. The information is applied to a randomly or strategically-generated electronic lottery-card.

In one embodiment, additional information is presented to the information consumer upon receiving contact from the consumer. In one embodiment, a consumer who telephones a number hears a telephone message with suitable advertising before learning whether the number presented is or is not a winning number. Thus, the information consumer reviews the additional advertising information. Other embodiments present advertising through other media. In one embodiment, a website is programmed to generate advertising text or images before providing an indication of whether a number is a winner or not.

In another embodiment, signifiers in a program generate contact information (e.g., a telephone number). In one embodiment, the contact information is a toll-free telephone number. The message received after using the contact information furnishes added value to the consumer. In one embodiment, signifiers in an ad provide contact information in the form of a telephone number. A recorded audio advertisement delivered to the caller includes as signifiers further contact information, or some or all elements of an access code.

A third advertisement, delivered as the result of using the contact information furnished by the second advertisement, provides further information, seen as further contact information or the final digits of a code number. By accessing successive ads, the



information consumer indicates his or her attentive review of the previous ad. As a result, the system generates a reward of prizes or coupons for the consumer.

In one embodiment, an advertiser purchases real or virtual visually-perceivable advertising space. The advertisements appear, continuously or periodically, during all or a portion of the duration of the event. In one embodiment, the event is a sporting game or exhibition. In another embodiment, the event is a concert or other performance. In one embodiment, the space is the ballpark fence during a televised game.

In one embodiment, signifiers appearing on a particular location change during the duration of the event. In another embodiment, different signifiers appear at different locations that are seen during the event. In one embodiment, video imaging techniques are used to display ads on the ballpark fence. In another embodiment, video imaging techniques are used to display ads on the ballpark field. In one embodiment the virtual ads are animated. In one embodiment, the location of the virtual ads is a signifier. In another embodiment, content within the virtual ad is a signifier.

In one embodiment, instructions are provided to viewers to record the signifiers on paper or on a game card or coupon provided during some other interaction. After collecting the entire series of signifiers furnished during the event, a variety of valuable outcomes are offered to the consumer. In one embodiment, the number of correct signifiers shifts the value of the coupon.

In another embodiment, a non-unitary product (e.g., a pack of beverage containers or a set of tools) holds a series of signifiers distributed across the individual parts. In yet

another embodiment, each product in the series contains instructions that cause modification to the remaining signifiers. For example, one item in the group provides instructions as to which signifiers, or signifier positioning, coloring, or other characteristic to value in the creation of the final signifier string. The remaining products provide signifiers themselves.

In one embodiment, a limited signifier set is defined to prevent replies from users of undesirable mixed product sets. For example, a user might purchase individual items separately. This type of tactic is detected when the invalid signifier strings are received.

In another embodiment, the presence of a win/lose status or other unique status is detected by the application of the set-limiting concept of error detection scheme without knowing the precise contents of a winning, or statistically significant, signifier string. In one embodiment, rarely occurring, or other "marked", signifiers are present only in a specific portion of the string. In another embodiment, information such as the geographical location of the origin of a 'winning' series are coded to "ride" on the winning set using the concept of "allowed" sets of signifiers in any or all positions of the final string.

In one embodiment, an article for recording signifiers has a substrate having thereon multiple layers. The layers contain information. In one embodiment, the information is perceivable to humans. In another embodiment, the information is printed information. Each layer is divided into multiple portions. By revealing the proper

portions in each layer, specific information, such as an indication or a winning number, a unitary image, or other information is revealed.

In one embodiment, the substrate is a generally planar substrate, such as a card or other suitable paper product. In one embodiment, the card is a single sheet of paper or other suitable material, or its cybernetic counterpart. Cybernetic includes computing devices of any technology, including electronic and optical. In one embodiment, overprinting is applied on a scratch-off, tear-off, peel-off or other form of layered-reveal card. The overprinting or portion thereof is combined with the underprinting revealed by the selective removal of the scratch-off or peel-off layer to form a composite signifier or signifier strings by the unexpected juxtaposition of the two layers of printed information.

In another embodiment, a substrate is wholly or partly formed of a transparent or translucent medium. In one embodiment, the medium is covered with an opaque or translucent medium such as peel-off or scratch-off regions. In one embodiment, the regions are rectangular X by Y grid configurations. In other embodiments, other suitable configurations are used. The regions are printed or otherwise imbued on their exposed surface(s) with an image comprised of desired information, signifiers, images, or portions thereof.

In one embodiment, the printed image is divided into a grid of 4 x 4 elements. Grid regions of the translucent/transparent (image-bearing) material are left unprinted or are printed or otherwise coated with signifiers. The rear surface of the translucent panel/card is likewise coated with peel-off or scratch-off regions with the following

modification: Before coating or otherwise covering the rear surface, the clear card is also printed or otherwise imbued with signifiers, images, or portions thereof.

In one embodiment, selected areas of the transparent/translucent card are coated with obscuring regions of material of the same color or appearance (including random-like fields of confusing colors, shapes, or the like). In one embodiment, the fields are applied to the rear surface of the peel-off or scratch-off material affixed to the rear surface of the translucent layer.

In one embodiment, a desired result (e.g., a winning number or image, a desired phone-number, date, prize, or other required information) is divided across the multiple planes of a card. This division is likely done in X by Y regions which correspond to the regions defined by the layered reveal regions of the card. In one embodiment, the complexity of the encrypting of this data is further complicated through the use of operations by the information consumer that require the repositioning of the removable regions of either of the card's surfaces. This operation might include the removal of front or rear sections and their replacement onto the same, or opposing card-surfaces through the use of reusable adhesive or other methods. In other embodiments, further complication is added by addition or subtraction by the user of obscuring layers.

The signifiers in the information enable the information consumer to engage in the removal, application, and/or repositioning of the X by Y elements on either or both sides of the card. When this process is completed, the desired information, image, number, or signifier is revealed.

In one embodiment, the card has multiple layers. In another embodiment, there are multiple (clear) cards that are obtained from multiple sources. Operation of each card depends upon the source, the date of review, or other operator. After performing a series of signifier driven operation on the cards, the cards are stacked upon one another. In another embodiment, a fan-fold configuration is created which reveals a winning image or sequence only after the folding-together of multiple layers of such a card.

In another embodiment, a card is also modified by placement of a cut-out mask over or under the cards described above in order to modify, attenuate, or complete the image or sign appearing on the surfaces of the card. In one embodiment, scratch-off, tear-off, or peel-off layers are translucent and in this way make use of novel superimposition effects. In one embodiment, characters that appear to be present when viewing through the entirely translucent, tinted or transparent stack are made to disappear when appropriate layers are removed under instruction. Transparent layers tinted with the same color as the signifying markings below the tinted layer make layers below disappear, and complementary colors create the inverse effect.

In different embodiments, the central or transparent/translucent and perhaps tinted layer of a card employs lenticular technology, (reflective) holography, or other dynamic-imaging or depth-imaging methodologies to embody a plurality of images, signifiers or their component parts, in order to create any of the sequential or three-dimensional effects possible with lenticular systems and the like. In another embodiment, a peel-off layer of transparent/translucent material with the complementary geometry to the

lenticular screen and possessing the same or nearly the same index of refraction is placed against the lenticular prism or other optical layer, until the time of deployment. Thus, a motional, sequential, informational, or depth effect is created.

In another embodiment, cards sent though e-mail, US mail, or received through local papers or magazines allow the encoding of various, unique, or differentiated "winning" response strings to be derived from the same signifier strings that appear sequentially in provided information. In another embodiment, multiple or variant signifiers placed in the information, or varied streams of signifiers such as might be created by a varying sequence of ad-insertions in, say, different geographic or demographic regions or groups, are employed to vary the actual response across the response grid or a card.

In one embodiment, certain combinations are disallowed to detect frivolous, intentional, or accidental misuse of the response system. In another embodiment, the card employed to respond to the presented signifier string is encoded with local phone numbers or variant toll-free numbers or other similar strategies. The toll-free number dialed, combined (or not) with a actual response string yields radically different results, like rewards or information.

In one embodiment, response cards are manufactured as an integral part of a product. A see-through card is manufactured using the cover of a product as the medium. In another embodiment, the alignment of the DVD or CD disc is used to produce the second layer or x-layer of an assemblage such as is described above.

Applicant's present claims 1-147 are directed to meticulously covering the various features as broadly outlined above. It is respectfully submitted that none of the prior art of record teaches these features.

The Examiner's analysis and application of the prior art against Applicant's claims have been carefully considered but are not fully understood by Applicant in terms of the conclusions regarding anticipation and non-obviousness. Further elaboration is again requested for purposes of clarity and to facilitate further response if required.

Reference to U.S. Patent No. 6,764,395 to DeLuca, U.S. Patent No. 5,870,030 to Guyett and U.S. Patent No. 6,456,981 to Dejaeger, cited but not specifically applied, appear to be redundant to the prior art relied upon by the Examiner and are believed to go no further than those primary references in failing to anticipate or even remotely suggest the novel features of Applicant's invention.

Again, and in brief summary, embodiments of the present invention are directed to a method and apparatus for verifying review and comprehension of information. In one embodiment of the present invention, a verification system is used to verify that an information consumer attentively reviews provided information. In one embodiment, an incentive to review and comprehend information is provided for an information consumer. However, the review must be verified for the incentive to be given. In one embodiment, review verification is accomplished by introducing a series of signifiers into the provided information. In one embodiment, the information consumer is provided with instructions for indicating, directly or indirectly, the consumer's knowledge of the

signifiers. In one embodiment, the user must indicate knowledge of a certain number of indicators to receive the incentive.

Once Applicant has taught his new and improved method and apparatus for verifying review and comprehension of information and its new and unexpected results, redesign may, by hindsight, seem to be obvious to one having ordinary skills in the art. However, when viewed as of the time Applicant's invention was made, and without the benefit of Applicant's own disclosure, there is nothing in the art of record which realistically suggests Applicant's invention.

If the Examiner persists in his position regarding anticipation and/or non-obviousness, for the reasons previously stated and/or any additional grounds, it is respectfully requested that all the bases for these rejections be set forth in sufficient detail and clarity to enable Applicant to fully comprehend the nature and reasonableness of the rejections, so that Applicant can appropriately respond and/or work with the Examiner cooperatively with a view towards resolving the remaining issues in this case in a mutually beneficial manner.

For at least the foregoing reasons, Applicant submits that the cited references do not teach, show, suggest or describe the present invention and that Claims 1-147 are clear, definite, based upon adequate disclosure and patentably distinct from the cited prior



art. Therefore, Applicant submits that all of these claims are allowable, and an early Notice of Allowance to this effect is earnestly solicited.

Respectfully submitted,

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